

**REMARKS**

**Summary of the Office Action**

Claims 12, 13, and 16 stand rejected under 35 U.S.C. §102(a) as being anticipated by Nishiyama et al. (US 2002/0140888).

Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nishiyama et al. in view of Nakamura et al. (US 6,582,862).

Claims 5-11 and 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nishiyama et al. in view of Nakamura et al. and Abileah et al. (US 5,499,126).

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jung et al. (US 2004/0090566) in view of Arakawa et al. (US 6,621,550).

**Summary of the Response to the Office Action**

Applicants have amended claims 1, 3, 5, 6, 8, 9, 12, 13, 17, and 19 to further define the invention. Accordingly, claims 1-21 are pending for further consideration.

**All Claims Define Allowable Subject Matter**

Claims 12, 13, and 16 stand rejected under 35 U.S.C. §102(a) as being anticipated by Nishiyama et al. (US 2002/0140888), and claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nishiyama et al. in view of Nakamura et al. (US 6,582,862). Applicants respectfully traverse these rejections as being based upon a prior art reference that neither teach nor suggest the novel combination of features recited in amended independent claim 12, and hence dependent claims 13-16.

Independent claim 12, as amended, recites a liquid crystal display device including, in part, a compensation film “at least disposed between one of the pixel electrode and the thin film transistor substrate to contact the pixel electrode, and the common electrode and the color filter substrate.” In contrast to Applicants’ claimed invention, Nishiyama et al. merely discloses a first optical retardation layer 116 disposed between a first transparent electrode 115 and a first alignment film 117 and a second optical retardation layer 132 disposed between a second transparent electrode 133 and a second alignment film 131. Accordingly, Applicants respectfully assert that neither of the optical retardation layers 116 and 132 disclosed by Nishiyama et al. is “at least disposed between one of the pixel electrode and the thin film transistor substrate to contact the pixel electrode, and the common electrode and the color filter substrate,” as recited by amended independent claim 12, and hence dependent claims 13-16.

In addition, Applicants respectfully assert that Nakamura et al. fails to remedy the deficiencies of Nishiyama et al., as detailed above, since Nakamura et al. fails to teach or suggest a compensation film disposed between one of a pixel electrode and a thin film transistor substrate to contact the pixel electrode, and a common electrode and a color filter substrate.

For at least the reasons detailed above, Applicants respectfully assert that Nishiyama et al. fails to teach or suggest every feature of independent claim 12, as amended, and that Nakamura et al. fails to remedy the deficiencies of Nishiyama et al., as detailed above. Thus, Applicants respectfully request that the rejection of claims 12, 13, and 16 under 35 U.S.C. §102(a) in view of Nishiyama et al. and the rejection of claims 14 and 15 under 35 U.S.C. §103(a) in view of Nishiyama et al. and Nakamura et al. be withdrawn.

Claims 5-11 and 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nishiyama et al. in view of Nakamura et al. and Abileah et al. (US 5,499,126). Applicants respectfully traverse this rejection as being based upon a combination of prior art references that neither teach nor suggest the novel combination of features recited in amended independent claims 5, 8, and 17, and hence dependent claims 6, 7, 9-11, and 18-21.

Initially, Applicants respectfully assert that the above rejection is improper in that it attempts to blend two different grounds into a single rejection. For example, claims 5-11 are apparently rejected in view of the combined teachings of Nakamura et al. and Abileah et al., whereas claims 17-21 are apparently rejected in view of the combined teachings of Nishiyama et al. and Abileah et al. Accordingly, for possible purposes of Appeal, Applicants respectfully request that if these grounds of rejection are maintained that separated grounds of rejection be provided.

Independent claim 5, as amended, recites a liquid crystal display device including, in part, a color filter layer, an overcoat film on the color filter layer, and a compensation film formed on the overcoat film. Similarly, independent claim 8, as amended, recites a method of fabricating a liquid crystal display including, in part, forming a color filter layer on the black matrix, forming an overcoat film on the color filter layer, and forming a compensation film on an upper surface of the color filter layer. Likewise, independent claim 17 recites a liquid crystal display device including, in part, an overcoat film on a color filter film.

Applicants respectfully assert that the Office Action fails to establish a *prima facie* case of obviousness with regard to independent claims 5, 8, and 17, as amended. Specifically, Applicants respectfully assert that Abileah et al. explicitly teaches (col. 28, lines 15-18) that

“[t]he retardation films 67, 18, and 60 of the blue, green, and red subpixels respectively, are located on the interior surface of the color filters 42, 44, and 46.” Accordingly, Applicants respectfully assert that combining the teachings of Nakamura et al. and Abileah et al. would not result in one of ordinary skill in the art to form an overcoat film (presumably the protection film 8, in FIG. 1 of Nakamura et al.) between the retardation films and color filters taught by Abileah et al. Similarly, with regard to amended independent claim 17, Applicants respectfully assert that combining the teachings of Nishiyama et al. and Abileah et al. would not result in one of ordinary skill in the art to form an overcoat film (presumably the overcoat layer 114, in FIG. 1 of Nishiyama et al.) between the retardation films and color filters taught by Abileah et al.

For at least the reasons set forth above, Applicants respectfully assert that the combination of Nakamura et al. and Abileah et al. fails to establish a *prima facie* case of obviousness with regard to independent claims 5 and 8, as amended. Likewise, Applicants respectfully assert that the combination of Nishiyama et al. and Abileah et al. fails to establish a *prima facie* case of obviousness with regard to independent claim 17, as amended. Thus, Applicants respectfully assert that Nishiyama et al., Nakamura et al., and Abileah et al., in any combination, fails to teach or suggest every feature of independent claims 5, 8, and 17, and hence dependent claims 6, 7, 9-11, and 18-21.

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jung et al. (US 2004/0090566) in view of Arakawa et al. (US 6,621,550). Applicants respectfully traverse this rejection as being based upon a combination of prior art references that neither teach nor suggest the novel combination of features recited in amended independent claims 1 and 3, and hence dependent claims 2 and 4.

Independent claim 1, as amended, recites a liquid crystal display device including, in part, a passivation film, a compensation film formed on the passivation film, and a pixel electrode formed on at least the compensation film, “wherein the pixel electrode overlaps the data line.” Similarly, independent claim 3 recites a method of fabricating a liquid crystal display device including, in part, forming a passivation film, a compensation film, and a pixel electrode, “wherein the pixel electrode overlaps the data line.”

In contrast to Applicants’ claimed invention, Jung et al. and Arakawa et al. are both completely silent with regard to a pixel electrode overlapping a data line. Specifically, Applicants respectfully assert that Jung et al. explicitly teaches, in FIG. 3, for example, forming a pixel electrode 82 spaced apart from and away from the data line 62. Moreover, Applicants respectfully assert that Arakawa et al. fails to explicitly disclose anything regarding a pixel electrode disposed with regard to a data line. Accordingly, Applicants respectfully assert that Jung et al. and Arakawa et al., whether taken singly or in combination, fail teach or suggest a liquid crystal display device or a method of fabricating a liquid crystal display device wherein “the pixel electrode overlaps the data line,” as recited by amended independent claims 1 and 3, and hence dependent claims 2 and 4.

Thus, Applicants respectfully assert that Jung et al. and Arakawa et al., whether taken singly or in combination, fails to teach or suggest every feature of independent claims 1 and 3, and hence dependent claims 2 and 4.

For at least the above reasons, Applicants respectfully assert that none of Nishiyama et al., Nakamura et al., Abileah et al., Jung et al., and Arakawa et al., whether taken singly or in combination, teach or suggest the features of claims 1-21. Thus, Applicants respectfully request that the rejection of claims 1-21 under 35 U.S.C. §§ 102(a) and 103(a) be withdrawn.

### **CONCLUSION**


In view of the foregoing, Applicants respectfully request entry of the amendments, reconsideration and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such as an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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